

Rod Danielson
Chapter 13 Trustee
3787 University Avenue
Riverside, CA 92501
Tel. (951) 826-8000, Fax (951) 826-8090

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - RIVERSIDE DIVISION

IN RE:

Case No.: 6:23-bk-12440-RB

TODD DIEDRICH
ASHLEY ESQUIVEL

NOTICE AND MOTION FOR ORDER
DISMISSING CHAPTER 13 PROCEEDING
(DELINQUENCY)

Debtor(s).

PLEASE TAKE NOTICE that the trustee herein moves for an order dismissing this proceeding on or after 7/26/2024 unless the debtor(s) cure the default by paying the delinquency, which based on the review of the records of the Trustee, amounts to \$5,420.00. In addition, debtor(s) must pay any subsequent plan payment that comes due after the date of this notice. This motion is based on the following grounds: Material default by the debtor(s) with respect to the term of the confirmed plan by failing to make payments according to the plan (11 U.S.C. 1307(c)(6)).

This motion may be granted without a hearing pursuant to local Bankruptcy Rule 9013-1 (o)(1). Any party in interest who wishes to oppose the motion **must obtain a hearing date** from the clerk of the Court for the Riverside Division and must file and serve opposition papers **and notice of hearing** on the Trustee within fourteen (14) days of the date of service hereof. Failure to comply with these provisions will result in the dismissal of the case.

I declare under penalty of perjury that I am the duly appointed qualified and acting Chapter 13 Trustee and that the foregoing is true and correct.

Executed at Riverside, California on 07/09/2024

/s/ Rod Danielson
Signature

In re: **TODD DIEDRICH
ASHLEY ESQUIVEL**

Debtor(s)

Chapter: 13Case Number: **6:23-bk-12440-RB****PROOF OF SERVICE OF DOCUMENT**

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address 3787 University Avenue, Riverside, CA 92501.

The foregoing document described **NOTICE AND MOTION FOR ORDER DISMISSING CHAPTER 13 PROCEEDING** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") - Pursuant to controlling General Orders(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On **07/09/2024**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

US Trustee: ustpregion16.rs.ecf@usdoj.gov
ben@nexusbk.com

☐ Service Information continued on attached page

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served):

On **07/09/2024**, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. *Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.*

TODD DIEDRICH
ASHLEY ESQUIVEL
2052 SCOTT DRIVE
HELENA, MT 59601

☐ Service Information continued on attached page

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (Indicate method for each person or entity served): Pursuant to F.R.Civ.P.5 and/or controlling LBR, on _____ I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. *Listing the judge here constitutes a declaration that personal delivery on the judge will be complete no later than 24 hours after the document is filed.*

☐ Service Information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

07/09/2024

Date

/s/ Rod Danielson

Signature